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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Cooperation with representatives of United Nations human rights bodies

Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 2001/11

1. In its resolution 2001/11, the Commission on Human Rights reiterated its concern at the continued reports of intimidation and reprisals against private individuals and groups who sought to cooperate with the United Nations and representatives of its human rights bodies. The Commission also expressed concern at reports about incidents where private individuals had been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms. The Commission invited the Secretary-General to submit to it at its fifty-eighth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in the resolution. The present report is submitted in accordance with that invitation. It contains a summary of information gathered pursuant to resolution 2001/11, describing situations in which persons have reportedly been intimidated or suffered reprisals for having cooperated with United Nations human rights bodies, availed themselves of international procedures, provided legal assistance for this purpose, and/or for being relatives of victims of human rights violations.

2. The reported acts of reprisal ranged from harassment, dismissal from employment, threats and arbitrary arrests to ill-treatment or torture in detention. The alleged victims of these abuses were private individuals or members of non-governmental organizations who were or had been sources of information about human rights violations for United Nations human rights bodies. There are also disturbing allegations of cases where persons who personally met with

representatives of United Nations human rights bodies subsequently suffered reprisals for having done so. Others were arrested or detained before they were to meet with such representatives to share information or give testimony about alleged human rights violations.

3. In some cases where the victims, whether individuals or organizations, had been in contact with one of the bodies or mechanisms of the Commission on Human Rights, action was taken for their protection by the pertinent body or the representative of the relevant mandate of the Commission. In most of the cases urgent communications were addressed to the Government concerned. The prompt intervention procedure is described in a previous report to the Commission (E/CN.4/1992/29, paras. 14-18). It should be noted that some of the information included in this report is also reflected in the latest reports presented by each mechanism to the General Assembly or the Commission on Human Rights.

4. On 22 February 2001, the Special Representative of the Secretary-General on human rights defenders sent an urgent appeal to the Government of Uzbekistan concerning Elena Urlayeva, a member of the Human Rights Society of Uzbekistan (HRSU). According to the source, on the morning of 19 February 2001, Elena Urlayeva, an HRSU consultant, was arrested in Saylgoh Square, Tashkent, as she was on her way to the office of the Organization for Security and Cooperation in Europe (OSCE). It is reported that she was arrested by four militiamen, three being identified as Abdurashidov Sh. U, Mahkamov U.R. and Haydarov. The information indicates that she was taken to the Yunusabad district department of internal affairs where several documents she was carrying were confiscated and recorded as anti-constitutional. These documents apparently included the International Covenant on Civil and Political Rights, documents from various non-governmental organizations, correspondence addressed to President Karimov and the Ombudsman of Uzbekistan, Uzbek legislation and individual complaints addressed to the United Nations. The militiamen reportedly demanded that she sign a statement admitting that the material was anti-constitutional. She was allegedly detained for seven hours, during which she was given neither water nor her medication for a heart condition; she was told there would be time enough to take her medicines in prison. She was apparently threatened throughout her detention, and had a pistol, a rubber truncheon and a belt shown to her. According to the information received, she was not provided with a lawyer and was unable to call the HRSU or the OSCE. At approximately 6.45 p.m., Elena Urlayeva was taken to the office of Colonel Djurabayev, who told her she was not guilty and would be freed. However, the information indicates that neither her documents nor her passport were returned to her.

5. Moreover, in a joint appeal of 15 March 2001, the Special Representative and the Special Rapporteur on extrajudicial, summary or arbitrary executions drew the Government's urgent attention to reports that in the night of 8 March 2001, the house of Elena Urlayeva was doused with petrol and set on fire while she and her family were asleep inside. According to the source, the arson could be connected to the 19 February incident.

6. In a joint urgent appeal of 13 March 2001, the Special Representative, the Special Rapporteur on torture and the Chairman-Rapporteur of the Working Group on Arbitrary Detention drew the urgent attention of the Government of the Sudan to the situation of Dr. Nageeb Nigim El Din, member of the Sudanese Victims of Torture Group (SVTG) and the International Rehabilitation Council for Torture Victims (IRCT). According to the information received, he was arrested by security forces on 11 March 2001 at 12.30 p.m. at the Amal Centre

for Rehabilitation of Victims of Physical and Mental Trauma in Khartoum North. The security forces allegedly confiscated the Centre's computers, all of the files of the patients at the Centre and some other documents. He was then allegedly taken to his house, which was searched, and his mobile phone was confiscated.

7. Dr. El Din was allegedly held at the security forces offices in Khartoum on Mohamed Nageeb Street before being transferred to Kober prison. The information received indicates that he was due to meet the United Nations Special Rapporteur on the situation of human rights in the Sudan, Gerhard Baum, on 13 March 2001, and that security forces had accused him of preparing lists of victims of torture for the Special Rapporteur. The information further indicates that Dr. El Din had been arrested seven times since 1989 and has spent over four years in prison. He was allegedly arrested in 1989 and detained in Shalla prison from September 1989 until June 1991 and was again arrested following a doctors' strike in August 1996. It is alleged that during his previous detentions he was subjected to beatings and whippings and spent long periods blindfolded, and that because of this torture he now suffers from ill-health. In view of the fact that Dr. El Din was allegedly tortured during his previous periods of detention, fears had been expressed that he might be at risk of torture and other forms of ill-treatment. Additionally, the information provided indicated that Dr. El Din was allegedly being deprived of his legal right to receive visitors or medical assistance.

8. On 3 April 2001, the Special Representative sent an urgent appeal to the Government of Morocco concerning the situation of Noumbi Brahim and Elhamed Mahmoud, two activists of the Forum Vérité et Justice - section Sahara. The two men had reportedly been apprehended and questioned by the police in the international area at Casablanca airport on 24 March 2001. It appears that the men were on their way to Geneva, where they were expected to take part in the fifty-seventh session of the United Nations Commission on Human Rights. Reportedly, the police seized the two men's passports along with documents and video-cassettes they had planned to present to the Commission. Allegedly, they were released a few hours later and their passports were returned the following day. However, it is reported that following this incident the two men were blocked from leaving Morocco upon an order issued by the Direction générale de la sûreté nationale (General Directorate of National Security).

9. In its reply of 9 April 2001, the Government of Morocco stated that the information supplied concerning Noumbi Brahim and Elhamed Mahmoud had been transmitted to the competent authorities and a reply would be sent as soon as possible.

10. On 27 August 2001, the Special Representative sent a letter of allegation to the Government of Mauritania regarding the case of Aïssata Satiguy, member of the Executive Bureau of the Association mauritanienne des droits de l'homme, AMDH (Mauritanian Association for Human Rights). According to reports, on 5 June 2001, Ms. Satiguy was dismissed from her post at the Mauritanian Social Security Fund, where she had been working for the last 15 years. Apparently, the official reason given for her dismissal was that Ms. Satiguy had "abandoned her post". Reportedly, she was notified of this decision only on 18 July 2001. According to sources, the dismissal of Ms. Satiguy was directly related to her work for the promotion and protection of human rights, under the auspices of AMDH. It is reported that

pressure from the authorities increased in 2001 because of her participation in the preparatory work for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001.

11. In its reply of 20 September 2001, the Government of Mauritania asserted that the case was an ordinary legal matter which had nothing to do with Ms. Satiguy's activities in the defence of human rights. According to the Government, Ms. Satiguy was supposed to return to work after her leave of absence on 6 May 2001. On 31 May 2001, in the absence of any written explanation of this dereliction of duty on her part, she was served notice and, on 5 June 2001, Ms. Satiguy's employment contract was cancelled.

12. On 19 October 2001, a letter of allegation was sent to the Government of Tunisia regarding the case of Souhayer Belhassen, Vice-President of the Tunisian League for the Defence of Human Rights. Ms. Belhassen was reportedly harassed and threatened at Tunis airport on 14 April 2001, when she returned home from a trip to Europe where she had presented the case of the League, which was under threat of being dissolved, to international non-governmental organizations, the European Parliament and the United Nations. Allegedly, at the airport the police subjected Ms. Belhassen to a body search and confiscated all her documents. It is reported that at the airport exit airport two plain-clothes police officers hit and insulted Ms. Belhassen. When she went to the nearest police station to report the incident, the officers present allegedly refused to register her complaint.

13. The International Commission of Inquiry for Togo was established on 7 June 2000 by the Secretaries-General of the United Nations and the Organization of African Unity in order to establish the truth concerning allegations of numerous extrajudicial executions in Togo in 1998. One of the principal concerns of the Commission was for the safety of witnesses and other persons cooperating in its work. To that end, the Commission requested and received written guarantees from the Government of Togo that there would be no legal proceedings or reprisals against such persons subsequent to the field mission, which took place from 11 November to 13 December 2000. However, there were reports that several persons and organizations had received threats or suffered reprisals for cooperating with the International Commission of Inquiry. In some of those cases, forceful attempts were allegedly made by security forces to abduct those persons. As a result, many of them went into hiding or fled the country.

14. On 15 February 2001, the High Commissioner for Human Rights wrote to the President of Togo expressing her concern over those reports and requested that the Government of Togo accept a mission from her Office to monitor the situation of persons who had cooperated with the Commission. The Government replied that it would undertake its own investigation into the matter if it were provided with a list of those persons. The High Commissioner declined to provide that list, which was confidential, and reaffirmed her request that a mission be accepted. The Government of Togo did not respond further.

15. On 1 and 29 October 2001, the Special Representative sent two urgent appeals to the Government of Togo concerning the situation of Maître Yawovi Agboyibo, President of the Comité d'action pour le renouveau (CAR) (Action Committee for Renewal), founder of the first National Commission for Human Rights in Africa and former member of the Commission pontificale Justice et Paix. In her letter dated 1 October 2001, the Special Representative

referred to general information concerning reprisals against persons who had given information to the International Commission of Inquiry for Togo. According to the information received, on 3 August 2001, Maître Agboyibo was sentenced by the Lomé correctional tribunal to six months of imprisonment and a fine of CFA 100,000 for defamation. The lawsuit had reportedly been filed by the Prime Minister, Agbéyomé Kodjo. Mâitre Agboyibo, who appealed the sentence, was imprisoned at the Lomé jail. It has been alleged that the detention of Maître Agboyibo was linked to the fact that he had met with members of the International Commission of Inquiry. In this regard, the Special Representative recalled article 12.2 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration". To date, no reply has been received from the Government of Togo to the two urgent appeals.

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